

MATTER 3 GREEN BELT

1 Introduction

- 1.1 Some thirty years ago, the Department of the Environment published a booklet entitled *'The Green Belts'*¹. It stated that the primary purpose of the York Green Belt was *"to safeguard the character of the historic city which might be endangered by unrestricted expansion"*, a purpose which has been reaffirmed, throughout the subsequent years, by Ministerial Statements, Local Plan Inspectors, and by numerous Inspectors' on Appeal. The fact that the Secretary of State, under the provisions of SI 2013 No. 117, specifically retained the two RSS policies relating to the need for the York Local Plan to safeguard the special character and setting of the historic City attests to the fact that this remains the key consideration when determining not simply where the detailed Green Belt boundaries should be drawn but also what is the most appropriate development strategy for the York Local Plan.
- 1.2 There are six historic towns within England which have a Green Belt whose primary purpose is to safeguard their special character and setting. Of those, however, York is unique not only in terms of the fact that it is the only one whose inner Green belt boundaries have never been defined, but it is the only one of the six which sits wholly within an encircling ring-road. From many stretches of this route, one can see the Minster tower and the edge of the main built-up area over the surrounding farmland and, as result, gain an appreciation the scale and landscape setting of the historic city. Moreover, York is the only one of those Cities where it is possible to obtain views of its Minster from so many different locations on the arterial approaches to and around the circumference of the City (in some cases up to 15 to 20 miles away). Appendix A and B, which reproduces two figures from the *York Central Historic Core Conservation Area Appraisal* [Doc. SD104], illustrates this point.

¹ *The Green Belts*, Department of the Environment, HMSO 1988

2 The approach to defining the Green Belt boundaries

2.1 Question 3.2

Paragraph 1.1.1 of the Council's "Approach to defining York's Green Belt" Topic Paper (TP1) [CD021] says "York's Local Plan will formally define the boundary of the York Green Belt for the first time." How has the Council approached the task of delineating the Green Belt boundaries shown on the Policies Map?

2.1.1 The approach which the Council has used to define the detailed Green Belt boundaries around the City has been logical, appropriate and proportionate. Whilst Historic England has some disagreements with the authority regarding which specific areas around the City contribute to its special character and setting, about precisely where some of the detailed Green Belt boundaries have been defined, and considers that a number of the sites that are currently proposed for development are inappropriate, nonetheless, the overall methodology the Council has used to establish the boundaries of the Green Belt is supported.

2.1.2 In order to be able to define the detailed boundaries of a Green Belt that is likely to fulfil its primary purpose, it is first necessary to identify those elements which contribute to the York's special character and setting. This the Council has done in its excellent '*Heritage Topic Paper*' [Doc. SD103]. Having established these, what it terms, 'Principal Characteristics' and 'Character Elements', the Authority has then used this analysis to identify which currently-undeveloped areas outside the built-up areas of the City and its surrounding settlements contribute to each of those components. This has formed the basis for establishing not only where the detailed Green Belt boundaries should be defined, but also the overall development strategy of the Plan.

a) Is the approach taken in general conformity with those parts of the Regional Spatial Strategy for Yorkshire and Humber ('the RSS') that have not been revoked, namely Section C of Policy YH9, Sections C1 and C2 of Policy Y1, and the Key Diagram of the RSS insofar as it illustrates the RSS York Green Belt policies and the general extent of the Green Belt around the City of York?

2.1.3 As has been set out above, the approach used by the Council to define the Green Belt has been based on a good understanding of the elements which contribute to the special character and setting of the historic city. This is a key prerequisite for any strategy seeking to conform with the requirements of the two retained RSS Policies. In this respect, therefore, it is considered that the overall approach has had due regard to the

requirements of Policy YH9 and Y1C and, as far as is possible, reflects the illustrations of those Policies in the Key Diagram.

b) How has the need to promote sustainable patterns of development been taken into account?

2.1.4 In producing this Local Plan, the City Council faces the not-inconsiderable challenge of trying to reconcile meeting the Objectively Assessed Needs of an extremely prosperous and dynamic City with that of safeguarding the historic character of one of the finest and most important historic settlements in England, a city where both its compactness and surrounding landscape setting are key aspects of what make it such a special place.

2.1.5 In the context of York, therefore, whilst concentrating development in and around the main built-up area of the City or its surrounding settlements may, theoretically, result in developments that are well-related to existing services and facilities, in many of those locations such developments run the risk that they threaten many of the elements which have been identified as contributing to the City's special character.

2.1.6 NPPF Paragraph 8 makes it clear that, in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system and that *"the planning system should play an active role in guiding development to sustainable solutions"*. Developments which threatened the special character or setting of York would not be delivering sustainable development in terms of the environmental role of sustainable development. The overall development strategy, therefore, has been designed to reconcile meeting the OAN in a manner consistent with that of meeting the primary purpose of its Green Belt.

c) With regard to Paragraph 84 of the Framework, how have the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary been considered?

2.1.7 By identifying those elements which contribute to the special character and setting of the historic City, the Council has been able to ascertain to what extent channelling development towards the existing urban areas within the Green Belt would be compatible with defining a Green Belt whose primary purpose is to safeguard its special character. It has

concluded that it would not be possible to identify sufficient land in such locations whilst retaining those areas which need to be kept permanently open in order to safeguard a number of key elements which contribute to the City's special character and setting. As a result, the Plan has sought other solutions of accommodating its development needs.

2.1.8 We have no comments to make regarding the extent to which it may or may not be possible to accommodate a proportion of the development needs in the neighbouring local planning authorities beyond the outer Green Belt boundary.

d) How do the defined Green Belt boundaries ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development and/or include any land which it is unnecessary to keep permanently open?

2.1.9 By limiting the amount of new development in locations beyond the main built-up areas which would threaten its primary purpose, the defined Green Belt boundaries will assist in ensuring that the OAN are met in a manner consistent with the spatial principle of '*conserving and enhancing York's historic and natural environment*' that is set out in Policy SS1.

2.1.10 In terms of fulfilling its primary purpose, the proposed Green Belt boundaries do not include any land which it is unnecessary to keep permanently open.

2.2 Question 3.3

Will the proposed Green Belt boundaries need to be altered at the end of the Plan period? To this end, are the boundaries clearly defined, using physical features that are readily recognisable and likely to be permanent? What approach has the Council taken in this regard?

2.2.1 We have no comments to make regarding the probability of whether or not the Green belt boundaries will need to be altered at the end of the plan period.

2.2.2 However, it is of concern that the Council has only identified land sufficient to meet the needs of the Plan area up to 2038 (Policy SS2). This date is only five years after the end of the Plan period. Paragraph 79 of the NPPF states that "... *the essential characteristics of Green Belts are their openness and their permanence*". A Green Belt which might need to be amended only five years after the end-date of this Local Plan does not

appear to have the degree of 'permanence' expected by national planning guidance.

- 2.2.3 In terms of whether or not the boundaries are clearly defined, with the exception of the area on the south-eastern side of the City around the University, the Green Belt boundaries (as identified in Annex 4 of the Addendum to Topic Paper TP1 (March 2019) [Doc. EX CYC 18]) do follow clearly-defined physical features and, in that respect, are likely to endure.
- 2.2.4 Of the sites where the Council considers there are exceptional circumstances which warrant removing them from the Green Belt, although there are a number of locations where Historic England considers that the extent of the site as allocated would result in harm to the primary purpose of the Green Belt, even in those cases, the proposed boundaries are considered to follow clearly-defined physical features and, in that respect, are likely to endure.

2.3 Question 3.5

Overall, are the Green Belt boundaries in the plan appropriately defined and consistent with national policy in the National Planning Policy Framework, and is the Plan sound in this regard?

- 2.3.1 With the exception of the area on the south-eastern side of the City around the University, the Green Belt boundaries (as identified in Annex 4 of the *Addendum to Topic Paper TP1* (March 2019) [Doc. EX CYC 18]) do follow clearly-defined physical features and, in that respect, are consistent with national planning policy

3 Exceptional circumstances

3.1 Question 3.6

Paragraph 83 of the National Planning Policy Framework is clear that Green Belt boundaries should only be altered in exceptional circumstances. It appears that the Plan proposes to 'release' some land from the Green Belt by altering its boundaries. In broad terms:

- c) What is the capacity of existing urban areas to meet the need for housing and employment uses?
- 3.1.1 There is some capacity within the existing urban areas to accommodate a proportion of the City's housing and employment needs. The vast majority

of locations where such development might take place have been identified as Strategic Sites, housing allocations (under the provisions of Policy H1) or employment sites (under the provisions of Policy EC1). The yield from a number of these locations, however, is constrained to some extent by the need to ensure that any development is likely to be compatible with the appropriate conservation of the many and varied elements which contribute to the historic character of the City. These considerations extend not simply to the character and setting of its wealth of designated heritage assets (as detailed on page 30 of the *Heritage Topic Paper*) but also its extremely-important archaeological deposits together with the large numbers of non-designated assets. The need to ensure that the City's skyline and the key views and vistas across the City (particularly those of the Minster) are not harmed, also limits the extent to which housing might be provided through increasing the heights of the buildings on these sites.

- d) Is there any non-Green Belt rural land which could meet all or part of the District's housing and employment needs in a sustainable manner (having regard to any other significant constraints)?

3.1.2 Given that the inner Green Belt boundary, for the most part, is defined tightly around the edge of the existing built-up area and that the outer boundary extends up to, and beyond, the edge of the Plan area, there do not appear to be many areas of non-Green Belt land that could meet the City's development requirements.

4 The approach to identifying land to be 'released' from the Green Belt for development

4.1 Question 3.7

How has the land proposed to be removed from the Green Belt been selected? Has the process of selecting the land in question been based on a robust assessment methodology that:

- d) reflects the five purposes that the Green Belt serves, as set out in Paragraph 80 of the Framework, particularly that of preserving the setting and special character of the historic city (in answering this question, we ask that the Council refers specifically to the 'wedges' of Green Belt that would be created, for example those between the main urban area and Sites ST7 and ST8):

- 4.1.1 In terms of the purpose of preserving the setting and special character of historic towns, Historic England would broadly endorse the approach the Council has used (although, not necessarily, its application). To evaluate the impact of the sites which it was proposed to be removed from the Green Belt, the Council used the elements identified in the 'Heritage Topic Paper' within its 'Heritage Impact Appraisal' [Doc. SD101] as a framework against which to assess each of the individual sites where growth might be accommodated. However, as will be noted from the Historic England responses to the Sustainability Appraisal (and the comments in respect of Matter 1 Question 1.7) we do have some reservations that the original 'Heritage Impact Appraisal' was never updated in response to the Reg.18 Consultation comments and, in addition, have concerns about how the Sustainability Appraisal reached its conclusions about the likely impact which some of the proposed development sites might have upon the historic environment.
- 4.1.2 Historic England would also take issue with the Council's assertion that the sites which have been identified for removal from the Green Belt 'have been done so without damage to its primary purpose' [Topic Paper TP1 Addendum (Mar. 19), Paragraph 7.116]. As can be seen from Historic England's representations to the Submission Plan, there are a number of sites which, if developed as proposed, would be likely to cause considerable harm to some of the elements identified as contributing to the special character and setting of the historic city and, therefore, to the primary purpose of the Green Belt.
- 4.1.3 As will be noted, Historic England has are considerable concerns about the proposal to establish 'wedges' of Green Belt between the existing built-up area of the city and Sites ST7 and ST8. Such a proposal would be likely to result in a form of development in both of those areas which would harm several elements that contribute to York's special character and setting.
- e) is in general conformity with RSS Policy Y1, which aims to protect the nationally significant historical and environmental character of York, including its historic setting, the need to safeguard the special character and setting of the historic city and to protect views of the Minster and important open areas; and
- 4.1.4 In general terms, as has been set out above, it is considered that the way by which the land to be removed from the Green Belt has been identified is in general conformity with the RSS Policies and has had due regard to the need to safeguard the special character and setting of the historic city, to protect views both of the Minster and its important open areas.

However, in the case of a number of individual sites, Historic England considers there are a few which, if developed as is currently proposed in the Plan, would result in harm to certain aspects of York's special character and setting and, therefore, run contrary to the intentions behind RSS Policies YH9 and Y1C.2.

- f) takes account of the need to promote sustainable patterns of development?

4.1.5 See comments in Paragraph 2.1.4 et seq above.

4.2 Question 3.10

Overall, is the approach to identifying land to be 'released' from the Green Belt robust, and is the Plan sound in this regard?

4.2.1 The overall methodology by which land had been identified for release from the Green Belt is, for the most part, robust, but is deficient in a number of counts:-

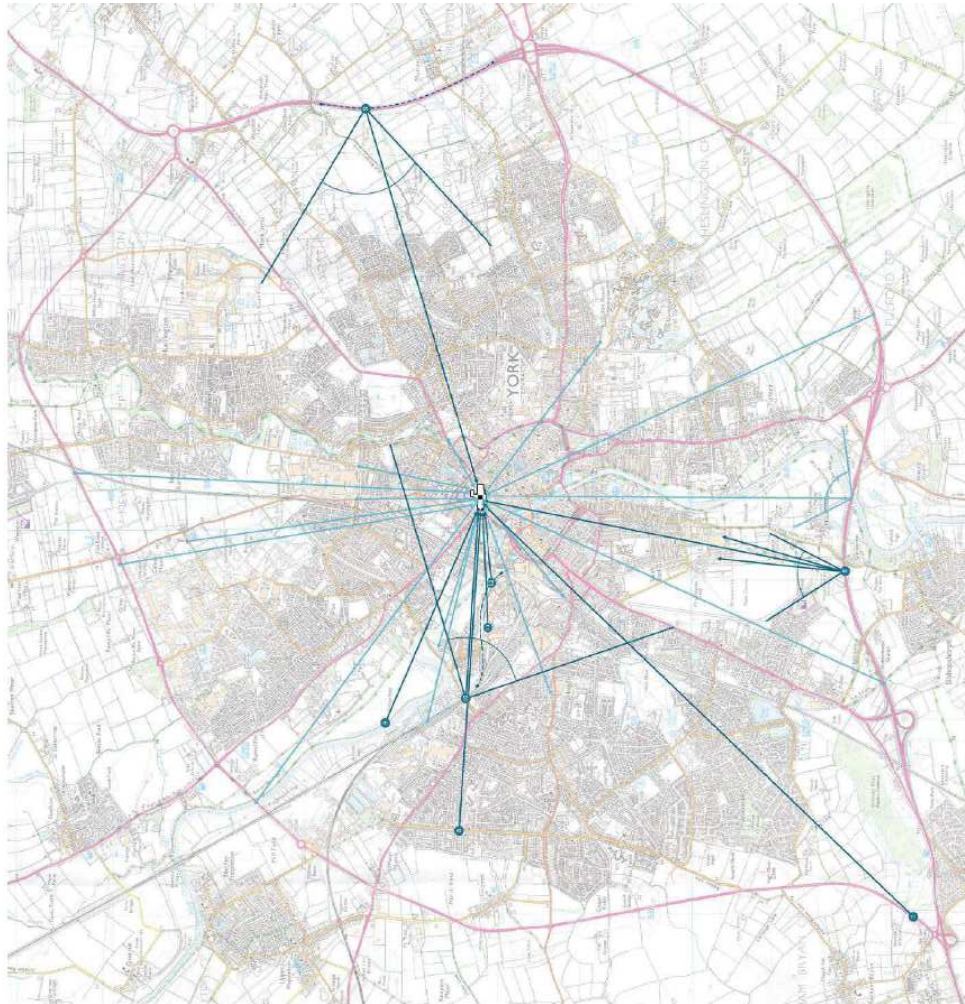
- (a) Firstly, as Historic England made clear in its representations, the maps in the *Topic Paper TP1 Addendum* did not accurately reflect the work that had been undertaken as part of the *Heritage Topic Paper*. In particular it failed to include all the land which contributes to regulating the size and shape of the urban area (and thereby the compactness of the city), which contributes to the wider countryside setting of the historic City, or the land which contributes to preventing the coalescence of the main built-up areas with the surrounding settlements. As a result, in certain parts of the City, the Authority's evaluation of the impact which the 'release' of land from the Green Belt might have upon its primary purpose does not accurately reflect the likely harm that the loss of these areas and their subsequent development might have upon York's special character and setting.
- (b) Historic England would take issue with the assertion that the sites which have been identified within the general extent of the Green Belt '*have been done so without damage to its primary purpose*' [Topic Paper TP1 Addendum (Mar. 19), Paragraph 7.116]. As can be seen from the representations submitted by Historic England to the Plan, it is considered that there are a number of sites which, if developed, would cause considerable harm to elements which

contribute to the special character and setting of the historic city and, therefore, harm the primary Green Belt purpose.

- (c) Historic England would also take issue with the assertion that the *'consequential impacts on the purposes of the Green Belt have been ameliorated and reduced to the lowest reasonably practical extent'*. As can be seen from Historic England's representations, there are a number of sites where an alternative proposal would reduce the harm that the current allocations would cause to the primary purpose of the York Green Belt

Appendix A:
Extract from the York Central Historic Core Conservation Area Appraisal

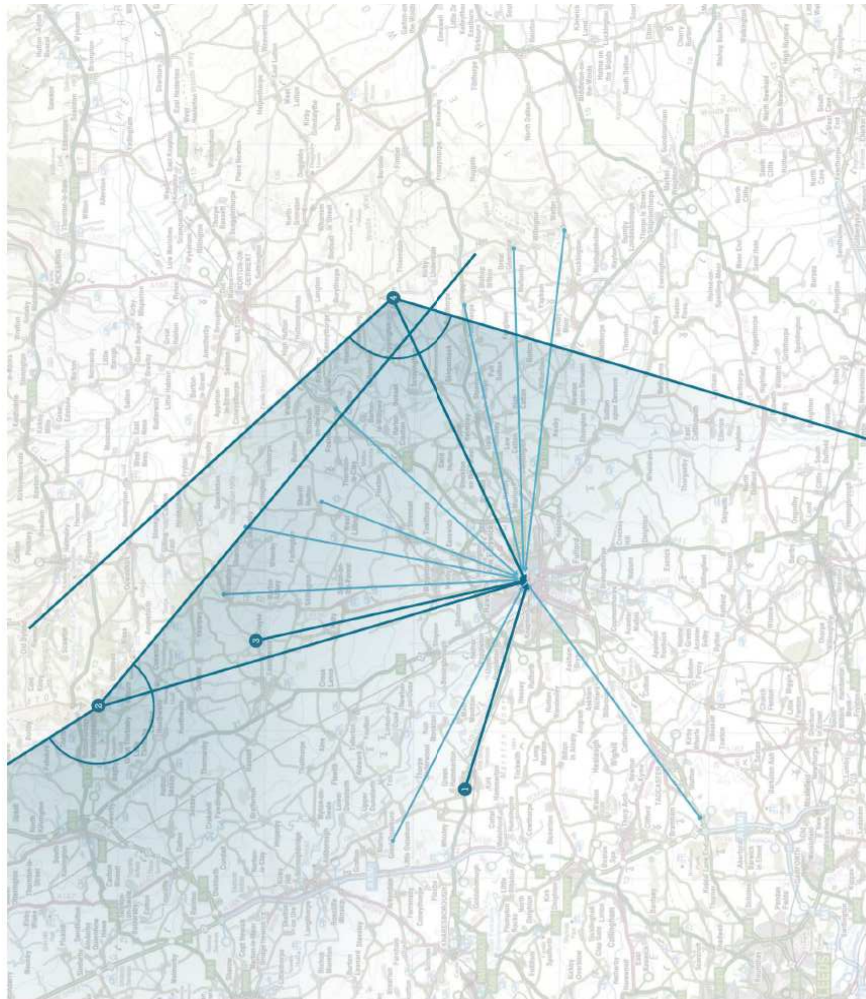
City-wide views











- Key Views**
- Fixed with focal point
 - Dynamic
 - Dynamic with focal point
 - Panorama
 - Panorama with focal point
 - Dynamic panorama
 - Dynamic panorama with focal point
 - Key View reference number
- Other Views**
- Minster

Appendix B:
Extract from the York Central Historic Core Conservation Area Appraisal

Long-distance views



- Key Views**
-  Fixed with focal point
 -  Dynamic
 -  Dynamic with focal point
 -  Panorama
 -  Panorama with focal point
 -  Dynamic panorama
 -  Dynamic panorama with focal point
 -  Key View reference number
- Other Views**
- 